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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,337	01/25/2005	Hitoshi Kobayashi	121976	2945
25944	7590	03/04/2009	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			BROWN, VERNAL U	
		ART UNIT	PAPER NUMBER	
		2612		
		MAIL DATE		DELIVERY MODE
		03/04/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,337	<b>Applicant(s)</b> KOBAYASHI, HITOSHI
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 November 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-7 and 9-12 is/are allowed.
- 6) Claim(s) 8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/DS/02)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communication filed on November 06, 2008.

#### *Response to Amendment*

The examiner acknowledge the amendment of claims 1-3, 5-12,

#### *Response to Arguments*

In response to applicant's argument that the combination of the references of Rohrl, Spahn, and Weiss does not disclose a locking system for a game machine. It is the examiner's position that the limitation of a game machine is only recited in the preamble as a intended use for the locking system. The recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al. US Patent 6,353,776 in view of Spahn et al. US Patent 5469727 and further in view of Weis et al. US Patent 6794988.

Regarding claim 8, Rohrl et al. teaches a locking system comprising an IC tag (1) for locking operation (col. 7 lines 10-18), an IC tag monitoring device (9) that makes communication with the IC tag for locking operation, and a locking device that locks and unlocks a device based on a result of monitoring made by the IC tag monitoring device (col. 8 lines 8-22), wherein said IC tag for locking operation stores identification data that is used for distinguishing the IC tag from other IC tags (col. 7 lines 14-16), wherein said IC tag monitoring device includes first transmission means (11) for transmitting a calling wave for calling said IC tag for locking operation (col. 8 lines 9-11, col. 8 lines 16-22), first reception means (12) for receiving a reflected wave returned from said IC tag for locking operation (col. 8 lines 16-22), an antenna (8) for key that is connected to said first transmission means and said first reception means (col. 7 lines 21-34), key determination means (13) for determining as being normal (authentic) if said first reception means receives a reflected wave containing identification data identical to registered data that is registered beforehand (col. 8 lines 12-21) within a specified period of time since said first transmission means transmits a calling wave (col. 8 lines 8 lines 35-40, col. 8 lines 50-59). Rohrl is silent on teaching the IC tag is included in a key and outputting the result of the key determining made by the key determination means. Spahn et al. in an analogous art teaches a locking device comprising a key (15) that includes an IC tag (47) (figure 4) and teaches the key

determination means outputting the result of the key determination in order to authenticate the unlocking of the locking means (col. 5 lines 40-48, col. 5 lines 21-39). Weis et al. in an analogous art teaches the lock includes an antenna for the key into which the key is inserted (col. 3 lines 59-65).

It would have been obvious to one of ordinary skill in the art to modify the system of Rohrl as disclosed by Sphan et al. because including the IC tag in the key improves the security of the locking mechanism because different level of security is provided by the IC tag and the mechanical key.

***Allowable Subject Matter***

Claims 1-3,5-7, 9-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: .

Regarding claims 1-3,5-7, 9-12 , the prior art of record fail to teach or suggests a second transmission means for transmitting a calling wave for calling the IC tag for monitoring opening/closing operation and a second reception means for receiving a reflected wave returned from the IC tag for monitoring opening/closing operation. The prior art of record is also silent on teaching a second output means for outputting means for outputting history data of monitoring opening/closing operation containing result of opening/closing operation.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Examiner, Art Unit 2612